



PROPOSED RULE MAKING

CR-102 (October 2005)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 05-15

☒ Preproposal Statement of Inquiry was filed as WSR 05-18-044 ; or

☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or

☐ Proposal is exempt under RCW 34.05.310(4).

☒ Original Notice

☐ Supplemental Notice to WSR _____

☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Amendment to Chapter 173-503 WAC Lower and Upper Skagit Water Resources Inventory Area (WRIA 3 and 4)

Hearing location(s):

Bellingham

January 11, 2006 1:00 pm
Bellingham Public Library
Fairhaven Branch, NW Room
1117 12th St.

Mt. Vernon

January 11, 2006 7:00 pm
Skagit Station Community Rm
105 E. Kincaid St., Suite 101

Darrington

January 12, 2006 7:00 pm
Darrington Community Center
570 Sauk Ave.

Submit written comments to:

Name: Jacque Klug

Address: Department of Ecology, Northwest Regional Office,
3190 160th Ave SE
Bellevue, WA 98008

e-mail jklug461@ecy.wa.gov

fax (425)649-7098 by (date) January 20, 2006

Assistance for persons with disabilities: Contact

Judy Beitel by January 3, 2006

TTY (800) 833-6388 or (360) 407-6878

Date of intended adoption: March 30, 2006

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed amendments would reserve a limited amount of ~~ground~~ water for future domestic, municipal, commercial/industrial, agricultural irrigation, and stock watering supply. The amendments also establish closures for certain tributary basins when the reservations are fully allocated, and set forth future water right permitting conditions. The stream flows set in the current rule would not be altered, nor would the current maximum water allocation limits for the Skagit River basin. **NEW WATER USERS IN THE SKAGIT BASIN WOULD BE REQUIRED TO METER WATER USE.**

Reasons supporting proposal: Minimum instream flows established in the current Chapter 173-503 WAC create a water right with a priority date as of the date the rule was established (April 14, 2001). All water rights, including permit-exempt groundwater withdrawals under RCW 90.54.050, are junior in priority date to the instream flow and may be subject to interruption when instream flows are not met. A rule amendment is necessary to create a new administrative framework to allow new domestic, municipal, commercial and industrial water uses, and stock watering supplies. This is done in support of the goal of RCW 90.54.020(5) which requires that adequate and safe supplies of water be preserved and protected in potable conditions to satisfy human needs.

Statutory authority for adoption: Chapter 90.54 RCW- Water Resources Act of 1971; Chapter 90.22 RCW- Minimum water flows and levels; Chapter 173-500 WAC- Water resources management program; Chapter 173-503 WAC- Instream Resources Protection Program - Lower and Upper Skagit Water Resources Inventory Area (WRIA 3 and 4).

Statute being implemented: Chapters 90.22, 90.44, and 90.54 RCW

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE 10/28/05

NAME (type or print)

Polly Zehm

SIGNATURE

Polly Zehm

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

OCT 31 2005

TIME

WSR

925

(AM)
PM

05-22-057

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Ecology

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Jacque Klug	Northwest Regional Office, Department of Ecology	(425) 649-7124
Implementation	Dan Swenson	Northwest Regional Office, Department of Ecology	(425) 649-7270
Enforcement.	Dan Swenson	Northwest Regional Office, Department of Ecology	(425) 649-7270

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Jacque Klug

Address: Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008

phone (425) 649-7124

fax (425) 649-7098

e-mail jkl461@ecy.wa.gov

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Jacque Klug

Address: Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008

phone (425) 649-7124

fax (425) 649-7098

e-mail jkl461@ecy.wa.gov

☐ No: Please explain: